

## REMARKS

Currently claims 1-14 are pending in the application. Claims 6, 8, 9, and 14 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-7, 10 and 11 stand rejected under 35 USC 102 as being anticipated by Tebeau. Claims 1-8, 10 and 11 stand rejected under 35 USC 102 as being anticipated by Hood. Claims 1-4 stand rejected under 35 USC 102(b) as being anticipated by Hunter. Claims 1-8, 10-12, and 14 stand rejected under 35 USC 102(b) as being anticipated by Hampton et al. Claims 9 and 13 stand rejected under 35 USC 103 (a) as being unpatentable over the references as applied to claims 5 and 10 above, and further in view of Hunter. For the reasons stated below, applicant believes claims 1-14 to be novel and non-obvious over the references cited. Applicants respectfully request reconsideration and further examination of claims 1-14.

1. The abstract is objected to because of the inclusion of such terminology as "means". The Abstract is herein amended to remove all such terminology, and is therefore in more proper form in accordance with the Examiner's request.

2. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the reference 15. The drawings have been amended, and a replacement sheet for Figure 3 is attached, with the references 15 and 19 added to reflect the descriptions in the specification. The drawings are thus in more proper form in accordance with the Examiner's request.

3. Claims 6, 8, 9, and 14 stand rejected under 35 USC 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 6 recites the limitation "said adjustable closing means" without sufficient antecedent basis. Claim 6 has been amended to depend from claim 5, which contains the limitation "an adjustable closing means" as was originally intended.

Claim 8 recites the limitation "said body portion" without sufficient antecedent basis. Claim 8 has been amended to depend from claim 7, which contains the limitation "a body portion", as was originally intended.

Claim 9 recites the limitation "said body" without sufficient antecedent basis. Claim 9 has been amended to read "said body portion", and to depend from claim 7, as originally intended. Claim 7 contains the limitation "a body portion".

As amended claims 6, 8, and 9 are in more proper form.

The Examiner also rejected claim 14, but did not specify a reason. Applicant is assuming that it was from its dependence from claim 8. Since claim 8 has been amended to no longer be indefinite, claim 14 should no longer be indefinite under 35 USC 112, second paragraph.

### **Art Rejections**

4. Claims 1-7, 10, and 11 stand rejected under 35 USC 102(b) as being anticipated US Patent Publication No. US2001/0002011 A1, to Tabeau. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference" [MPEP 2131 quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

Claim 1 includes the limitation "a bottle holding means, attached to said adjustable hanging means, *such that when hung, a bottle inserted into said bottle holding means hangs at an appropriate angle for feeding a baby positioned under said baby bottle holder.*" Tebeau discloses a means for holding a bottle, as do many prior art inventions, however, it does not disclose a means which would

hang the bottle at an appropriate angle for feeding a baby positioned underneath. Tebeau specifically discloses a bottle which attempts to make feeding easier by bringing a straw-like tube to the bottom of the bottle. Therefore, the bottle disclosed in Tebeau would need to be positioned such that the liquid in the bottle flows to the bottom of the bottle, such that it can be reached by the straw-like tube 60. Thus the hanging means disclosed in Tebeau would only work for a Tebeau-type bottle, and not a standard bottle. Thus Tebeau does not disclose an "adjustable hanging means, *such that when hung, a bottle inserted into said bottle holding means hangs at an appropriate angle for feeding a baby positioned under said baby bottle holder*" Applicants respectfully request the Examiner show where specifically Tebeau discloses this limitation so that applicants may adequately respond.

In the absence of such showings, applicants respectfully submit that rejection of Claims 1-7, 10 and 11 on this basis is in error, and request rejection on this basis be withdrawn.

5. Claims 1-8, 10 and 11 stand rejected under 35 USC 102(b) as being anticipated by US Patent #6,000,664 to Hood. Hood discloses a bib to be worn by a caregiver, such that the caregiver, while holding the baby does not also have to hold the bottle. Applicants invention is to a bottle holder which does not require a caregiver to wear anything, or to use any hands, once the bottle is in place. The designs of these are quite different, however, to better clarify these differences, claim 1 has been amended to include the limitation "wherein said adjustable hanging means is capable of self-aligning the bottle over the baby, such that the baby may self-feed, unassisted by an adult." Hood contains no such limitation, as the bottle must be attached by a caregiver, and once attached to the bib, the only way to adjust it is to remove it and re-attach it, or for the caregiver to adjust his/her position. In the absence of such limitation, applicants respectfully request rejection of Claim 1, and by dependency, claims 2-8, 10 and 11 on this basis be withdrawn.

Claim 1, and by dependency, claims 2-8, 10 and 11, contain the limitation "a bottle inserted into said bottle holding means hangs at an appropriate angle for feeding a baby positioned under said baby bottle holder." Hood requires the caregiver to attach the bottle into the bottle holder, and then attach the bottle holder to the bib in a position which the caregiver hopes will be comfortable for feeding the baby. There is no disclosure in Hood which shows that a bottle inserted into the bottle holding means hangs at an appropriate angle for feeding the baby, this can only be accomplished in Hood by guessing, and adjusting by the caregiver. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference" [MPEP 2131 quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicant respectfully requests the Examiner show specifically where Hood discloses "a bottle inserted into said bottle holding means hangs at an appropriate angle for feeding a baby positioned under said baby bottle holder." In the absence of such showing, applicant respectfully submits that rejection of claims 1-8, 10 and 11 on this basis is in error, and requests that such rejection be withdrawn.

Further, claim 8 contains the limitation "said bottom end of said bottle holding means is attached directly to said body portion of said adjustable hanging means, and said top end of said bottle holding means is attached to an extension which in turn is attached to said body portion." The Examiner states that "member 52 defines the adjustable bottle holding means." The Examiner further states that "Members 36 define the body portion with the extension at 32 secured to the bottle holding means and the body." However, nowhere does Hood disclose the bottle holding means (Examiner's 52) being attached directly to the body portion (Examiner's 36) as is required by claim 8. Applicant respectfully request the Examiner show specifically where Hood discloses the "bottle holding means is attached directly to said body portion" so that applicant can adequately respond. In the absence of such showing, applicant submits that rejection of claim 8 on this basis is in error, and requests that such rejection be withdrawn.

6. Claims 1-4 stand rejected under 35 USC 102(b) as being anticipated by Hunter. Examiner states that "Members 32 define adjustable hanging means." However, member 32 is merely the bottom side of member 28, which is an elongated belt to which the bottle is attached. Applicant will assume for the sake of this discussion that the Examiner intended to mean member 28. Hunter does not disclose member 28 being adjustable in any way, in fact, Figures 2, 3A, 4, 5A, and 5B all show member 28 with one button/snap per end, which would not allow for adjustment. Applicant respectfully request the Examiner show specifically where Hunter discloses an "adjustable hanging means" as is required by claims 1-4, so that applicant can adequately respond. In the absence of such showing, applicant respectfully submits that rejections of claims 1-4 on this basis is in error, and request that such rejection be withdrawn.

Further, Examiner states "member 36' defines the adjustable bottle holding means." Applicant respectfully request the Examiner specifically show where Hunter discloses that member 36' is adjustable, as is required by claim 4, as applicant can find no adjusting mechanism. In the absence of such showing, applicant respectfully submits that rejections of claim 4 on this basis is in error, and request that such rejection be withdrawn.

Further, claims 1-4 require the bottle holding means be attached to the adjustable hanging means "such that when hung, a bottle inserted into said bottle holding means hangs at an appropriate angle for feeding a baby positioned under said baby bottle holder." There is no such disclosure in Hunter, in fact Hunter requires the child to hold the bottle for feeding, and is only there to keep the bottle from falling to the ground when the child is not drinking from it. In the absence of such disclosure, applicant respectfully submits that rejection of claims 1-4 on this basis is in error, and requests that rejection on this basis be withdrawn.

7. Claims 1-8, 10-12, and 14 stand rejected under 35 USC 102(b) as being anticipated by Hampton et al. Hampton et al discloses a strap to be worn by a caregiver, such that the caregiver, while holding the baby does not also have to

hold the bottle. Applicants invention is to a bottle holder which does not require a caregiver to wear anything, or to use any hands, once the bottle is in place. The designs of these are quite different, however, to better clarify these differences, claim 1 has been amended to include the limitation "wherein said adjustable hanging means is capable of self-aligning the bottle over the baby, such that the baby may self-feed, unassisted by an adult." Hampton et al contains no such limitation, as the bottle must be attached by a caregiver, and once attached to the strap, the only way to adjust it is to remove it and re-attach it, or for the caregiver to adjust his/her position. In the absence of such limitation, applicants respectfully request rejection of Claim 1, and by dependency, claims 2-8, 10-12 and 14 on this basis be withdrawn.

Claim 1, and by dependency, claims 2-8, 10-12 and 14, contain the limitation "a bottle inserted into said bottle holding means hangs at an appropriate angle for feeding a baby positioned under said baby bottle holder." Hampton et al requires the caregiver to attach the bottle into the bottle holder, and then attach the bottle holder to the shoulder strap 20 in a position which the caregiver hopes will be comfortable for feeding the baby. There is no disclosure in Hampton et al which shows that a bottle inserted into the bottle holding means hangs at an appropriate angle for feeding the baby, this can only be accomplished in Hampton et al by guessing, and adjusting by the caregiver. . "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described in a single prior art reference" [MPEP 2131 quoting *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Applicant respectfully requests the Examiner show specifically where Hampton et al discloses "a bottle inserted into said bottle holding means hangs at an appropriate angle for feeding a baby positioned under said baby bottle holder." In the absence of such showing, applicant respectfully submits that rejection of claims 1-8, 10-12 and 14 on this basis is in error, and requests that such rejection be withdrawn.

Claim 7 contains the limitation "wherein said adjustable hanging means comprises straps and a body portion". Hampton et al has a member 20 which is a single strap, there is no way to divide this into straps and a body portion. Any division would be arbitrary, and not disclosed by Hampton et al. Anticipation requires each and every element to be in the prior art reference. Applicant respectfully requests the Examiner show specifically where Hampton et al discloses straps (plural) and a body portion. In the absence of such showing, applicant respectfully submits that rejection of claim 7 on this basis is in error, and requests that such rejection be withdrawn.

8. Claims 9 and 13 stand rejected under 35 USC 103(a) as being unpatentable over "the references as applied to claims 5 and 10 above, and further in view of Hunter." The Examiner does not specify which references are being referred to, therefore applicant will assume that all of the references are intended.

Claim 1, and by dependency, claims 9 and 13, contain the limitation "a bottle inserted into said bottle holding means hangs at an appropriate angle for feeding a baby positioned under said baby bottle holder." As discussed in paragraph 4 above, Tebeau discloses no such limitation. As discussed in paragraph 5 above, Hood discloses no such limitation. As discussed in paragraph 6 above, Hunter discloses no such limitation. As discussed in paragraph 7 above, Hampton et al discloses no such limitation. To establish a *prima facie* case of obviousness, "the prior art reference (or references when combined) must teach or suggest all claim limitations" [MPEP 2142]. Applicants respectfully request the Examiner show specifically where in the references this limitation is taught so that applicant can more adequately respond. In the absence of such showing, applicant submits the Examiner has not established a *prima facie* case of obviousness, that rejection of claims 9 and 13 on this basis is in error, and request that rejection on this basis be withdrawn.

Claim 13 contains the limitation "wherein said flexible material is a webbing." To establish a *prima facie* case of obviousness, "the prior art reference

(or references when combined) must teach or suggest all claim limitations” [MPEP 2142], and “the Examiner bears the initial burden of factually supporting any *prima facie* conclusion of obviousness.” The Examiner has not shown where in any of the references there is disclosed that the adjustable hanging means and the bottle holding means are comprised of a webbing. Applicants respectfully request the Examiner show specifically where in the references this limitation is taught so that applicant can more adequately respond. In the absence of such showing, applicant submits the Examiner has not established a *prima facie* case of obviousness, that rejection of claim 13 on this basis is in error, and request that rejection on this basis be withdrawn.

Claim 9 contained the limitation “wherein said body has a variety of fasteners to further adjust said baby bottle holder.” The Examiner refers to member 36’ in Hunter as the bottle holding means. As discussed above in paragraph 6, Member 36’ in Hunter is not adjustable at all, therefore there would be no motivation to make it adjustable with a “variety of fasteners” as was required by claim 9. Further, the fasteners that are disclosed in Hunter are alternate to each other, claim 9 requires the “body has a variety of fasteners”, not that it could have different fasteners if the designer so chose. In order to clarify this meaning, applicant has amended claim 9 to read “said body portion has a ~~variety of~~ multiple fasteners.” Applicant respectfully request the Examiner show specifically where the references disclose this limitation so applicant can adequately respond. In the absence of this, applicant respectfully submits that rejection of claim 9 on this basis is in error, and requests that rejection on this basis be withdrawn.

#### **Information Disclosure Statement**

9. Applicant has noted Examiner’s statement that patents cited in the specification have not been considered unless they are cited by the Examiner on form PTO-892. Therefore, applicant has included an IDS for the patent

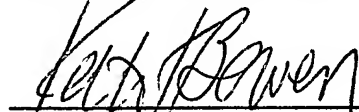


#6,213,547, which was cited in the applicant's specification, but not noted on the Examiner's form PTO-892.

Conclusion

Applicants respectfully submit that claims 1-14 as amended herein, are allowable and in more proper form, and request that the rejections against them be withdrawn. Applicants further submit that the Abstract and Drawings as herein amended are in more proper form.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Kathleen K. Bowen", is written over a horizontal line.

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